

Exhibit A

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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

SYLVIA AHN,)
Individually and as Successor-in-)
Interest to the Estate of)
Choung Woong Ahn,)
)
 Plaintiff,) Case No. 1:22-cv-00586
)
 v.)
)
)
GEO GROUP, INC.; and UNITED)
STATES IMMIGRATION AND)
CUSTOMS ENFORCEMENT,)
)
 Defendants.)

**SECOND AMENDED
COMPLAINT AND DEMAND
FOR JURY TRIAL**

SECOND AMENDED COMPLAINT AND REQUEST FOR RELIEF

Introduction

1. This is a survival, wrongful death, and disability discrimination action for compensatory and punitive damages arising out of the torture and preventable death by suicide of Choung Woong Ahn inside a solitary confinement cell at the Mesa Verde ICE Processing Facility (“Mesa Verde”).

Parties

2. Plaintiff Sylvia Ahn (“Plaintiff”) is the natural and legal daughter of the decedent, Choung Woong Ahn (“Mr. Ahn”), and an adult resident of Houston, Texas. Plaintiff is the Successor-in-Interest of the Estate of Choung Woong Ahn. Plaintiff brings this action Individually and on behalf of the estate of Choung Woong Ahn.

3. Decedent Choung Woong Ahn died while incarcerated at Mesa Verde in Bakersfield, California on May 17, 2020. Prior to his imprisonment Choung Woong Ahn was a resident of Oakland, California.

4. At all times relevant to the Complaint, Defendant GEO Group, Inc. (“GEO Group”) is and was a Florida corporation with its principal street address located at 4955 Technology Way, Boca Raton, FL 33431.

5. At all times relevant to the complaint GEO Group owned and operated Mesa Verde in Bakersfield, CA pursuant to a contractual arrangement with

22 government parties including, at times, the City of McFarland and U.S.
23 Immigration and Customs Enforcement.

24 6. Defendant United States Immigration and Customs Enforcement
25 (“ICE”) is a federal law enforcement agency within the Department of
26 Homeland Security (“DHS”). ICE is responsible for the administrative
27 enforcement of immigration laws, including the detention and removal of
28 immigrants. Enforcement and Removal Operations (“ERO”), a division of
29 ICE, manages and oversees the immigration detention system.

30

31 **Jurisdiction and Venue**

32 7. This Court has subject matter jurisdiction over Plaintiff’s claims under
33 Section 504 of the Rehabilitation Act and the Alien Tort Statute (“ATS”)
34 pursuant to U.S.C § 1331 (federal question jurisdiction). This Court also has
35 subject matter jurisdiction under the Federal Tort Claims Act (“FTCA”).

36 8. Venue is proper in this District under 28 U.S.C. § 1391(b). A
37 substantial part of the events or omissions giving rise to the claims occurred
38 in the Eastern District of California.

39 9. This Court has personal jurisdiction over GEO Group because the
40 corporation regularly conducts business in California and has sufficient
41 minimum contacts with California.

42 10. Plaintiff requests that this Court exercise supplemental jurisdiction over her
43 California state law claims pursuant to 28 U.S.C. § 1337.

44 **Factual Allegations**

45 I. Mr. Ahn's Detention and Death

49 12. Mr. Ahn was born in South Korea and entered the United States in
50 1988 as a Lawful Permanent Resident (“LPR”). He lived in the San
51 Francisco Bay Area until the time of his arrest and detention, maintaining
52 LPR status for over three decades, until his death.

56 14. Although the State of California determined that Mr. Ahn should be
57 released to live in the community and granted his early release from prison
58 on parole, on or about February 21, 2020, ERO arrested Mr. Ahn at the

59 Solano State Prison in Vacaville, California and took him into civil custody.

60 ERO then transported Mr. Ahn to Mesa Verde.¹

61 15. Mesa Verde is a federal immigration detention facility.

62 16. On information and belief, ICE was the landowner of Mesa Verde at all
63 times relevant to this complaint.

64 17. But, like many federal immigration detention facilities, Mesa Verde is
65 not operated by ICE but rather by a private contractor. In this case, in 2015,
66 ICE contracted GEO Group, through the City of McFarland, to operate Mesa
67 Verde.

68 18. It was a questionable decision to say the least. Even at the time, GEO
69 Group had poor reputation for managing private prisons and detention
70 centers. Its facilities were known for “inadequate medical care,
71 understaffing, violence, and other issues.”² In 2012 alone, two detainees died
72 while in custody in GEO Group facilities because they received inadequate

¹ Other courts have noted the lack of foundation undergirding current immigration detention practices: “[I]t would appear we are spending millions of our national treasure to lock up thousands of people who might better be released on strict bail conditions without impairing the safety of our citizens or the operations of our government.” *Savino v. Souza*, 459 F. Supp. 3d 317, 322 (D. Mass. 2020).

² *Fatal Neglect: How ICE Ignores Deaths in Detention*, ACLU, Detention Watch Network & National Immigrant Justice Center at 6 (Feb. 2016), available at https://www.aclu.org/sites/default/files/field_document/fatal_neglect_acludwnnijc.pdf [hereinafter *Fatal Neglect*].

73 medical care.³ A 2012 report by the Department of Justice about a GEO
74 Group-operated prison in Missouri identified “systemic, egregious practices”
75 at the facility, including inadequate medical care.⁴

76 19. GEO Group lived up to its reputation after it gained the contract to
77 operate Mesa Verde. For example, a 2016 report stated: “Although … GEO
78 ha[s] gone to great lengths to hide information about their medical staffing,
79 the limited information available does indicate that there are frequent and
80 long-term vacancies for contractually-required positions, creating a
81 dangerous administrative limbo which allows facilities to pass inspection
82 while also saving money on personnel costs.”⁵ A 2018 investigation by an
83 inspector general of the nearby Adelanto Detention Center, also operated by
84 GEO Group, found nooses hung in cells.⁶ To date, Mesa Verde has been the

³ *Id.* at 7, 16.

⁴ David M. Reutter, *GEO Group Pulls out of Mississippi Prisons*, Prison Legal News (Nov. 15, 2013), available at <https://www.prisonlegalnews.org/news/2013/nov/15/geo-group-pulls-out-of-mississippi-prisons/>.

⁵ *A Toxic Relationship: Private Prisons and U.S. Immigration Detention*, Detention Watch Network, at 7 (Dec. 2016), available at https://www.detentionwatchnetwork.org/sites/default/files/reports/A%20Toxic%20Relationship_DWN.pdf.

⁶ Miriam Jordan, *Inspectors Find Nooses in Cells at Immigration Detention Facility*, N.Y. Times (Oct. 2, 2018), available at <https://www.nytimes.com/2018/10/02/us/oig-inspector-general-adelanto-immigrants-nooses.html>.

85 subject of numerous lawsuits and federal investigations concerning the
86 substandard medical and mental health treatment provided at the facility.⁷

87 20. Even so, ICE continued to retain GEO Group to run Mesa Verde, and
88 even renewed their contract in 2019.

89 21. ICE also continued to have some authority over GEO Group's
90 operation of Mesa Verde—though its authority did not do detainees much
91 good. For example, ICE had the authority to set substantive standards to
92 govern the conditions at GEO, and to enforce those standards through
93 inspections. But ICE's inspections were perfunctory, and checked GEO
94 Group's policies rather than its actual practices. GEO Group was anyways
95 notified of inspections in advance, giving it an opportunity to cover up or
96 obscure issues at its facilities and so pass inspection without having to fix
97 problems.

⁷ “Indeed, the documentary evidence shows that the defendants have avoided widespread testing of staff and detainees at the facility, not for lack of tests, but for fear that positive test results would require them to implement safety measures that they apparently felt were not worth the trouble. This conduct by the defendants has put the detainees at serious risk of irreparable harm. The defendants have also jeopardized the safety of their own employees. And they have endangered the community at large.” *Zepeda Rivas v. Jennings*, Case No. 20-cv-02731-VC, ECF 500 at p. 1 (N.D. Cal. Aug. 6, 2020).

98 22. The inspections were also generally unreliable, as inspections by
99 different divisions of ICE could come to inconsistent conclusions.⁸ Even
100 worse, across multiple facilities, GEO Group regularly passed ICE
101 inspection even when its facilities were dangerous and inhumane.⁹

102 23. For example, three inspections in 2016 and 2017 concluded that GEO
103 Group met all standards at Mesa Verde related to suicide prevention and
104 intervention—a conclusion that, given what happened to Mr. Ahn, is highly
105 doubtful.

106 24. To sum up, when ICE picked Mr. Ahn up from Solano prison and
107 deposited him at Mesa Verde in February 2020, the agency was entrusting
108 his health, safety, and wellbeing to GEO Group: a private contractor with a
109 track-record of poor performance, operating a very dangerous and risky kind
110 of facility, under virtually no oversight.

111 25. That trust was undeserved. When Mr. Ahn entered Mesa Verde in
112 February 2020, he was only offered a cursory mental health screening and

⁸ *Lives in Peril: How Ineffective Inspections Make ICE Complicit in Immigration Detention Abuse*, The Immigration Detention Transparency and Human Rights Project, at 13 (Oct. 2015), available at <https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2017-03/THR-Inspections-FOIA-Report-October-2015-FINAL.pdf>

⁹ *Id.* at 4; *Fatal Neglect* at 3.

113 his records were not examined to determine the extent of his mental illnesses
114 or identify past suicidal ideation and past suicide attempts.

115 26. As Mr. Ahn remained at Mesa Verde, staff realized what would have
116 been apparent from his records: that Mr. Ahn was severely depressed,
117 experienced regular suicidal ideation, and had attempted suicide three times
118 in detention settings.

119 27. On March 12, 2020, Mr. Ahn reported experiencing shortness of breath
120 and chest pain, and was admitted to the emergency department of Mercy
121 Hospital in Bakersfield, California. He received emergency surgery to
122 remove a mass on his lung.

123 28. At the time Mr. Ahn was distressed and despondent, believing that he
124 had been diagnosed with lung cancer.

125 29. The hospital requested that Mr. Ahn return shortly for follow up care
126 and to confirm the biopsy results. But ICE delayed authorizing and
127 scheduling the appointment for months.

128 30. Mr. Ahn never received the follow up treatment or biopsy results.

129 31. Then, in March 2020, the COVID-19 pandemic hit California. The
130 CDC warned immediately, from the very beginning of the pandemic, that
131 congregate settings created a high risk for COVID-19 transmission. Mesa

132 Verde was undeniably one such setting: it housed detainees in four 100-
133 person dorms, and had virtually no possibility for social distancing.

134 32. The need for a COVID-19 plan or pandemic protocols was immediate
135 and serious. But neither ICE nor GEO Group took even the minimum steps
136 that the situation required. In fact, by July 2020, there was still no facility-
137 specific plan in place at Mesa Verde.

138 33. ICE also declined to exercise even its most basic kind of authority—to
139 release detainees who were at risk and posed no threat to public safety—in
140 order to reduce the population density at Mesa Verde and protect the health
141 of the detainees that remained there. As the pandemic progressed, Mesa
142 Verde remained far too full, and far too lax about detainee safety.

143 34. Detainees noticed, and were afraid. On April 10, Mr. Ahn joined a
144 peaceful hunger strike occurring in his dormitory and began refusing meals
145 to protest the conditions at Mesa Verde.

146 35. In April 2020, during a mental health appointment, Mr. Ahn reported
147 to a psychologist employed by GEO Group that he had feelings of sadness
148 and low energy, as well as trouble sleeping. The psychologist concluded that
149 Mr. Ahn had an unspecified depressive disorder and referred him to a
150 psychiatrist.

151 36. Later that same month, Mr. Ahn informed Mesa Verde medical staff
152 that he had attempted suicide at least three different times while in custody,
153 in 2014, 2015, and 2019.

154 37. On April 30, 2020, Mr. Ahn reported to mental health staff in a “talk
155 therapy” session that his depression was “6-7/10 (10 being the worst).” He
156 expressed feelings of anxiety and not “want[ing] to live in this life.”

157 38. Mr. Ahn continued to become more distressed and despondent because
158 of the conditions inside Mesa Verde, and in particular, their now well-
159 documented and dangerous mishandling of the COVID-19 pandemic.¹⁰

160 39. Mr. Ahn submitted at least three requests for release to ICE through his
161 lawyers. Each time, ICE declined to release this 74-year-old detainee with

¹⁰ See, e.g., *Joint Statement by the detained people at Mesa Verde* (Aug. 6, 2020), <https://www.centrolegal.org/wp-content/uploads/2020/08/MV-COVID-19-Outbreak-Statement.pdf> (Mesa Verde detainees reporting that as of early August 2020, “new people continued to arrive in our dorms, straight from prisons with massive COVID-19 outbreaks, without being quarantined or even tested for the virus”); *Zepeda Rivas v. Jennings*, No. 20-cv-02731-VC, 2020 WL 3055449 at *4 (N.D. Cal. June 9, 2020) (ordering ICE to close intake at Mesa Verde and commenting that ICE’s conduct “since the pandemic began ha[s] shown beyond doubt that ICE cannot currently be trusted to prevent constitutional violations at [Mesa Verde] without judicial intervention.” and further finding that ICE did not regularly quarantine or test detainees transferred from COVID-19-infected prisons upon intake at Mesa Verde, but rather brought them directly into dormitories); *Zepeda Rivas v. Jennings*, No. 20-CV-02731-VC, 2020 WL 4554646, at *1 (N.D. Cal. Aug. 6, 2020) (ordering ICE to stop incoming transfers to Mesa Verde).

162 serious mental illness and multiple co-morbidities, including diabetes and
163 heart disease.

164 40. On May 11, 2020, Mr. Ahn wept and then fell into a despondent
165 silence upon learning that his latest request for release had been denied,
166 commenting to others that he would never get out of detention.

167 41. On May 12, 2020, Mr. Ahn was admitted to Mercy Hospital in
168 Bakersfield due to chest pain.

169 42. Throughout his detention at Mesa Verde, Mr. Ahn made several
170 medical requests due to persistent pain in his feet, his shoulder, and his
171 chest.

172 43. Further, his diabetes and high blood pressure medication were not
173 refilled in a timely manner, and he made several complaints regarding this
174 lack of proper treatment.

175 44. On the day Mr. Ahn was hospitalized, he was struggling to breathe,
176 complaining of chest pain, and had liquid coming out of his nose.

177 45. Mr. Ahn returned to Mesa Verde on May 14, 2020, after receiving a
178 negative COVID-19 test.

179 46. Despite the fact that he had tested negative, Mr. Ahn was placed in a
180 solitary isolation unit upon his return with no legitimate purpose identified
181 for this isolation.

182 47. Despite Mr. Ahn’s current mental state, diagnosed depression, and past
183 suicide attempts, he was placed in a solitary cell with a “tie off point” and
184 bed sheet, and no human contact.

185 48. The availability of a tie off point and bed sheet or other rope-like
186 device are high risk factors for suicide attempts when paired with the mental
187 health diagnosis and suicide-attempt history of Mr. Ahn.

188 49. Even if GEO Group’s staff had reason to suspect that Mr. Ahn had
189 contracted COVID, his placement in solitary confinement would have been
190 unwarranted and dangerous, particularly for someone with Mr. Ahn’s mental
191 health conditions and history of suicidality. At the time, public health
192 experts warned against ICE’s “practice . . . of locking people in conditions .
193 . . equivalent to punitive solitary confinement . . as a form of ‘quarantine’
194 or ‘medical isolation’” in response to the COVID-19 pandemic, as it
195 subjected detained people to “significant risk of grave harm (including harm
196 that may be permanent, even fatal).” Citing “widely accepted” scientific
197 consensus, experts explained that “ICE detainees with pre-existing mental
198 illness or emotional impairment are especially at risk”; when “placed in
199 conditions that are the equivalent of solitary confinement” they are
200 “especially likely to suffer an exacerbation of their psychiatric disability,”
201 rendering them “even more medically and psychologically vulnerable.”

202 50. Experts concluded that solitary confinement is by design an
203 “inappropriate, ill-conceived, and counter-productive” tool for quarantine.
204 Among other things, detainees held in solitary often lack access to adequate
205 medical care and hygiene supplies “even more acute[ly]” than in the general
206 population, surfaces may be unsanitary, and without the use of negative
207 pressure rooms, the virus can still easily spread through airborne
208 transmission. As such, this practice “very likely exacerbate[s] rather than
209 limit[s] or alleviate[s] the spread of COVID-19” in ICE facilities. Medical
210 professionals have further highlighted Mr. Ahn’s case as illustrating how
211 “preemptive lockdowns” in a “solitary confinement” setting, marked by
212 “extreme isolation and stark conditions,” pose “grave dangers to [detained
213 persons’] mental and physical health” and threaten “needless suffering and
214 loss of life.”

215 51. Moreover, even though GEO placed Mr. Ahn in solitary as an alleged
216 COVID-19 safety measure, ICE and GEO were at the time still regularly
217 accepting incoming transfers of detainees from California prisons with
218 confirmed outbreaks of COVID-19, and placing them directly in the
219 dormitories at Mesa Verde, without requiring quarantining or regular testing.
220 52. This practice continued for months after Mr. Ahn’s death, until a
221 federal court ordered ICE and GEO Group to stop, finding that their

222 inadequate testing and quarantine protocols likely violated the Fifth
223 Amendment rights of all detainees.

224 53. After he was placed in solitary, Mr. Ahn informed the psychologist that
225 he had feelings of depression.

226 54. Nevertheless, staff held Mr. Ahn in isolation and failed to investigate
227 any alternative housing placement that would accommodate Mr. Ahn's
228 mental state.

229 55. At this point, because of his isolation, Mr. Ahn began expressing his
230 suicidal ideation to people beyond medical staff, including his brother,
231 Young Ahn.

232 56. On May 16, 2020, a clinical psychologist subcontracted by GEO Group
233 reported that Mr. Ahn appeared to be at "high suicidal risk if deported."

234 57. On the morning of May 17, 2020, an attorney for Mr. Ahn emailed
235 ICE, requesting that the agency return him to his dormitory because isolation
236 was proving detrimental to his mental health.

237 58. Also on May 17, 2020, a contracted medical provider employed by the
238 company Wellpath indicated that Mr. Ahn's mental illness was "severe" and
239 again stated that Mr. Ahn was at "high risk of suicide if deported."

240 59. At that point, along with his extreme isolation, Mr. Ahn faced the
241 imminent threat of deportation. His next scheduled hearing in his removal

242 proceedings was May 19, 2020, and he remained uncounseled in his removal
243 proceedings.

244 60. Despite the deteriorating and well-documented state of Mr. Ahn's
245 mental health, and despite internal policies directing otherwise, on the
246 evening of Sunday, May 17, 2020, GEO Group staff left Mr. Ahn
247 unobserved in the isolation cell with access to bed sheets and a tie off point.

248 61. During the period when he was unobserved, Mr. Ahn died by hanging
249 himself with a bedsheets.

250 62. On that day, Sylvia Ahn permanently lost her father.

251 **II. Presentment of Claims**

252 63. On May 17, 2022, Plaintiff submitted an administrative claim to ICE
253 under the FTCA (**Exhibit B**). The claim alleged that ICE falsely imprisoned
254 Mr. Ahn, inflicted on him intentional emotional distress, and caused his
255 death through its negligence.

256 64. On October 11, 2022, ICE denied Plaintiff's administrative claim
257 (**Exhibit C**).

259 **III. Applicable Standards and Protocols**

260 65. ICE has authority to set standards for privately-operated detention
261 facilities through its contracts and has set such standards.

263 66. Among other standards, GEO Group is subject to Performance-Based

264 National Detention Standards 2011 (PBNDs 2011). So is ICE.

265 67. PBNDs impose standards and protocols for, *inter alia*, detainees at risk

266 of suicide and detainees with disabilities.

267 68. Under those standards, Defendants ICE and GEO Group are required to

268 identify detainees with a risk of suicide or self-harm in an initial screening,

269 to be conducted within 12 hours of admission. 2011 PBNDs 4.6 Significant

270 Self Harm and Suicide Prevention and Intervention.

271 69. Defendants also must remain vigilant in recognizing and reporting

272 detainees who show a risk of suicide or self-harm any time after admission.

273 70. Once a detainee is identified as at-risk of suicide or self-harm,

274 Defendants must refer the detainee for an evaluation by a mental health

275 provider within 24 hours.

276 71. In between the identification and evaluation, Defendants must place the

277 detainee in a secure environment with one-to-one visual observation.

278 72. A qualified mental health professional must conduct the evaluation.

279 The professional must determine the level of risk, level of supervision

280 needed, a treatment plan, and the potential need for transfer to an inpatient

281 mental health facility. The professional's evaluation must rely, among other

282 things, upon the detainee's relevant history, diagnoses, and environmental
283 factors.

284 73. The professional may place the detainee in a special isolation room
285 designed for evaluation and treatment with continuous monitoring that must
286 be documented every 15 minutes or more frequently if necessary. The
287 isolation room must be suicide-resistant, including that it be free from any
288 features that could facilitate a suicide attempt.

289 74. If there is no special isolation room available, then the suicidal detainee
290 may be temporarily placed in a special management unit. While in that unit,
291 the detainee shall have access to all programs and services that are available
292 to the general population, to the maximum extent possible. Detainees on
293 suicide precautions who have not been placed in a special isolation room
294 should receive documented close observations at least every 15 minutes.

295 75. The protocols also impose training obligations. Defendants must
296 provide all facility staff members who interact with and/or are responsible
297 for detainees with comprehensive training initially during orientation and
298 repeated at least annually, on effective methods for identifying significant
299 self-harm, as well as suicide prevention and intervention with detainees.
300 Initial training should consist of at least eight hours of instruction, and
301 subsequent annual trainings should be a minimum of two hours.

302 76. PBNDS 2011 also details protocols for detainees with disabilities. 2011

303 PBNDS 4.8.

304 77. A detainee is disabled if they have a physical or mental impairment
305 that substantially limits a major life activity, or if they have a record of such
306 an impairment.

307 78. To identify a detainee with a disability, Defendants shall consider
308 information submitted by a third party, including an attorney, family
309 member, or other detainee in order to identify detainees with disabilities.

310 79. Defendants are also required to identify detainees whose impairments
311 are “open, obvious, and apparent.” This kind of identification may occur
312 through medical or intake screenings, or direct observation.

313 80. Upon identifying a detainee with a disability, the facility must review
314 the detainee for necessary accommodations.

315 81. If the detainee’s disability accommodations are “complex or best
316 addressed by staff from more than one discipline (e.g., security,
317 programming, medical, or mental health, etc.),” then the accommodation
318 should be reviewed by a multidisciplinary team.

319 82. Defendants may deny accommodations to a detainee only if the
320 detainee can access the facility’s programs, services, or activities without
321 them; there is no relationship between the disability and the accommodation;

322 the accommodation would fundamentally alter the program or impose an
323 undue burden; or the detainee poses a direct threat to staff or other detainees.

324 83. As with self-harm and suicide, PBNDS 2011 imposes obligations on
325 Defendants to train their staff on these requirements. Staff must receive the
326 information during an orientation training, and then annually thereafter.

327

328 **CLAIMS FOR RELIEF**
329

330 **COUNT ONE: WRONGFUL DEATH**
331 *Plaintiff against Defendant GEO Group*

332 84. Plaintiff realleges and incorporates by reference all allegations in the
333 foregoing paragraphs.

334 85. “The elements of a wrongful death claim are: (1) a wrongful act or
335 neglect that (2) causes (3) the death of another person.” *Estate of Vela v.*
336 *County of Monterey*, 2018 WL 4076317, at *13 (N.D. Cal. 2018) (citing Cal.
337 Civ. P. Code § 377.60 and *Norgart v. Upjohn Co.*, 21 Cal. 4th 383, 390
338 (1999)).

339 86. Wrongful acts include “any kind of tortious act.” *Barrett v. Superior*
340 *Court*, 222 Cal. App. 3d 1176, 1191 (1990). Because detainees are helpless
341 to protect themselves while in the custody and control of an immigration
342 detention facility, GEO Group owes detainees a heightened duty of care.
343
344 *See, Edison v. U.S.*, 822 F.3d 510, 521-22 (9th Cir. 2016).

345 87. Wrongful acts also include constitutional violations. *See, e.g.*,
346 *Villarreal v. Cty. of Monterey*, 254 F. Supp. 3d 1168, 1191 (N.D. Cal. 2017)
347 (deliberate indifference to medical needs is a “wrongful act”).

348 88. Here, GEO Group:

349 a. Failed to identify Mr. Ahn as disabled or at-risk for suicide or self-
350 harm during an initial screening. GEO Group staff failed, during that
351 screening, to effectively inquire into Mr. Ahn’s relevant medical
352 history and prior suicide attempts.

353 b. Failed to identify Mr. Ahn as disabled or at-risk of suicide or self-
354 harm at any time after his initial screening, despite Mr. Ahn’s
355 repeated statements expressing feelings of depression, anxiety, low
356 energy, and possible suicidal ideation, including to GEO Group staff.

357 c. Failed to provide Mr. Ahn with a necessary mental health evaluation
358 or treatment.

359 d. Locked Mr. Ahn into a solitary confinement cell, despite the fact that
360 GEO Group staff knew that Mr. Ahn had mental illness, and that
361 isolating a person with mental illness causes their condition to
362 deteriorate and creates a substantial risk of self-harm or suicide.
363 Locking Mr. Ahn in solitary confinement also denied him a safe place

364 to sleep by reason of his disability, when he could have been housed
365 elsewhere.

366 e. Failed to inspect the cell for any implements that could facilitate self-
367 harm or suicide, and so left the cell with a bed sheet and tie-off point.
368 f. Failed to appropriately observe Mr. Ahn in accordance with the
369 observation needs and requirements for someone with Mr. Ahn's
370 mental health conditions.

371 89. These acts and omissions constitute negligence, negligence per se,
372 violations of federal disability law, and violations of the U.S. Constitution.

373 90. The negligent acts and omissions were performed by GEO Group and
374 its agents or employees who acted within the scope of their employment for
375 GEO Group.

376 91. It was reasonably foreseeable that these acts and omissions would
377 place Mr. Ahn at substantial risk of self-harm or suicide, and these acts and
378 omissions proximately caused Mr. Ahn's death.

379 92. Mr. Ahn's death caused Sylvia Ahn, the Plaintiff, to lose her father and
380 resulted in pain and suffering from that loss.

381 93. Because GEO Group's negligence, negligence per se, and recklessness
382 proximately caused Mr. Ahn's death, California law allows Plaintiff, his
383 daughter, to recover for the full value of Plaintiff's life, and to seek punitive

384 damages in these circumstances, which present wanton, reckless, and
385 depraved actions by GEO Group, which will continue to claim the lives of
386 people locked inside its facilities in the absence of judicial opprobrium and
387 punishment by a jury.

388

389 **COUNT TWO: DISABILITY DISCRIMINATION – VIOLATION OF**
390 **THE REHABILITATION ACT**
391 *Plaintiff against Defendant GEO Group*

392

393 94. Plaintiff re-alleges and incorporates by reference all allegations in the
394 foregoing paragraphs.

395 95. Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, prohibits
396 discrimination on the basis of disability in (1) any program or activity
397 receiving federal financial assistance; or (2) under any program or
398 activity conducted by any Executive agency or the United States Postal
399 Service. 29 U.S.C. § 794.

400 96. Section 504 of the Rehabilitation Act requires covered parties to
401 provide “reasonable accommodations” to individuals with disabilities so
402 they can fully participate in benefits administered by these agencies. 29
403 U.S.C. § 794(a).

404 97. DHS regulations implementing the Rehabilitation Act mandate that
405 “[n]o qualified individual with a disability in the United States, shall, by

406 reason of his or her disability, be excluded from participation in, be denied
407 benefits of, or otherwise be subjected to discrimination under any program
408 or activity conducted by the Department.” 6 C.F.R. § 15.30; see also 29
409 U.S.C. § 794(a).

410 98. The regulations implementing Section 504 prohibit entities receiving
411 federal financial assistance from utilizing “criteria or methods of
412 administration (i) that have the effect of subjecting qualified handicapped
413 persons to discrimination on the basis of handicap, (ii) that have the purpose
414 or effect of defeating or substantially impairing the accomplishment of the
415 objectives of the recipient’s program or activity with respect to handicapped
416 persons.” 34 C.F.R. § 104.4(b)(4).

417 99. The removal proceedings are a benefit or program administered by
418 DHS and Mr. Ahn was entitled to participate in the removal process. The
419 services, programs, and activities within the detention centers where DHS
420 detained Mr. Ahn receive substantial federal financial assistance.

421 100. ICE is a component agency of the DHS, which is an Executive agency.
422 *See* 6 C.F.R. § 15.1.

423 101. GEO Group operates a program or activity at Mesa Verde by contract
424 with and for ICE and it receives federal financial assistance for this
425 operation.

426 102. GEO Group's federal financial assistance also includes subsidies that
427 the corporation receives in connection with its Voluntary Work Program for
428 federal immigration detainees housed at GEO Group facilities, through
429 which: (a) the United States authorizes GEO Group to use detainees to
430 perform essential work at wages far, far below market rates, work that GEO
431 Group would otherwise be required to carry out with additional staff hired
432 from the community at market rates, thus providing GEO Group with a
433 significant financial benefit; and (b) the United States provides GEO Group
434 a stipend of \$1 per day for each detainee who participates in the Voluntary
435 Work Program. *See* 8 U.S.C. § 1555(d); 2011 Performance-Based National
436 Detention Standards, Section 5.8, Voluntary Work Program, available
437 online: <https://www.ice.gov/doclib/detention-standards/2011/5-8.pdf> (Last
438 accessed June 17, 2022).

439 103. Additionally, GEO Group's federal financial assistance includes
440 subsidies that the corporation receives in connection with revenues obtained
441 through commissary. In its Intergovernmental Service Agreement with GEO
442 Group to operate Mesa Verde, ICE authorizes GEO Group to use the excess
443 revenues from detainees' purchases of commissary items to offset staff
444 salaries that GEO Group would have otherwise been required to pay in-full.

445 104. GEO Group also receives federal financial assistance by providing
446 their officers free staff meals prepared by detainees through the food budget
447 allocated by ICE.

448 105. All operations in Mesa Verde are considered a “program, service, or
449 activity.” The Rehabilitation Act of 1973 defines a “program or activity” as
450 “*all of the operations* of . . . a department, agency, . . . or instrumentality of
451 a State or of a local government.” 29 U.S.C. § 794(b)(1)(A) (emphasis
452 added). It also includes “*all of the operations* of . . . an entire corporation . . .
453 which is principally engaged in the business of providing education, health
454 care, housing, social services, or parks and recreation,” or “the entire plant
455 or other comparable, geographically separate facility to which Federal
456 financial assistance is extended, in the case of any other corporation.” 29
457 U.S.C. § 794(b)(3)(A) and (B) (emphasis added). This includes *all*
458 *operations* of an “entity which is established by two or more of the entities.”
459 29 U.S.C. § 794(b)(4) (emphasis added).

460 106. In its Component Self-Evaluation and Planning Reference Guide,
461 DHS acknowledges that its “federal conducted programs” include “operation
462 of immigration detention facilities.”

463 107. The DHS document further states that “[a] Component’s activities
464 carried out through contracts are considered conducted activities and are

465 subject to the same obligation [of complying with the Rehabilitation Act].”

466 *Id.* See also Instruction on Nondiscrimination for Individuals with
467 Disabilities in DHS Conducted Programs and Activities (Non-Employment),
468 DHS Directives System Instruction No. 065-01-001 (defining conducted
469 activities of DHS to include “those carried out through contractual or
470 licensing arrangements”).

471 108. Additionally, Congress has required ICE to ensure contractors like
472 GEO Group fully implement the programmatic guarantees of the PBNDS
473 2011.

474 109. As administered by contractual agreement at Mesa Verde, the PBNDS
475 constitutes a federal program under the authority of 8 U.S.C. § 1103(a)(11)
476 that ensures access to services including safe sleeping facilities, telephone
477 calls, adequate medical, dental, and mental health care (including outside
478 care), recreation, commissary, law library, visitation, counsel, and
479 appropriate classification in civil immigration detention. Mr. Ahn was
480 entitled to all of the benefits administered by GEO Group and ICE
481 administered through PBNDS and their contract terms.

482 110. The removal proceedings are also a benefit or program administered
483 by DHS and Mr. Ahn was entitled to participate in this removal process. The
484 federal benefit provided by GEO Group at Mesa Verde includes ensuring

485 detained immigrants like Mr. Ahn have meaningful access to and
486 participation in the adjudication of the charges justifying their detention at
487 Mesa Verde, determination of their eligibility for release from custody
488 pending resolution of those charges, and adjudication of their claims for
489 relief in removal proceedings conducted by the Department of Justice's
490 Executive Office for Immigration Review. *See generally* 8 U.S.C. §§ 1229
491 (setting forth rights of noncitizens against whom the government initiates
492 removal proceedings), 1229a(b)(4), 1229a(c)(2)(B), 1229a(c)(4).

493 111. Mr. Ahn was an individual with a disability. He had diabetes and heart
494 disease, serious illnesses that put patients at a high risk of serious injury or
495 death from COVID-19. He also had depression and a history of suicide
496 attempts. These conditions qualify as disabilities for purposes of the
497 Rehabilitation Act. 29 U.S.C. §705(2)(B); 42 U.S.C. § 12102.

498 112. In February 2020, ICE, through its subdivision, ERO, took custody of
499 Mr. Ahn and transported him to Mesa Verde. GEO Group then took custody
500 of Mr. Ahn. Despite binding, non-discretionary corporate and contractual
501 policies regarding identification of individuals with serious mental illness or
502 other special vulnerabilities upon a person's admission to Mesa Verde, GEO
503 Group facility administrators conducted only a cursory interview of Mr. Ahn
504 and failed to initially identify Mr. Ahn's serious mental health issues.

505 113. GEO Group and ICE discriminated against Mr. Ahn because of his
506 disability in myriad interconnected ways:

507 a. First, by exposing Mr. Ahn to a heightened risk of contracting COVID-
508 19, ICE prevented Mr. Ahn from participating in the removal process
509 by reason of his disability. By failing to take account of his special
510 vulnerability to severe illness or death if he were to contract COVID-
511 19, ICE prevented Mr. Ahn from participating in the removal process
512 by reason of his disability.

513 b. By failing to provide Mr. Ahn adequate protection from COVID-19
514 through the only effective means to reduce the risk of severe illness or
515 death, release, ICE had the purpose or effect of defeating or
516 substantially impairing the accomplishment of the objectives of
517 removal proceedings and the services, programs, and activities within
518 the detention centers with respect to Mr. Ahn.

519 c. Defendants also prevented Mr. Ahn from accessing basic services such
520 as a safe living space, toilets, recreation, timely medical care or other
521 programming without risk of death from heightened exposure to
522 COVID-19. Mr. Ahn requested an accommodation of his disabilities
523 repeatedly when he made requests for release and all of those requests
524 for accommodation were denied.

525 d. Second, GEO Group discriminated against Mr. Ahn when it placed him
526 in an isolation cell despite his mental health conditions. GEO Group
527 failed to provide Mr. Ahn with the service or benefit of a safe living
528 space without tie-off points, given his well-documented history with
529 suicidal ideation. While isolated, GEO Group prevented Mr. Ahn
530 from accessing their programs, services, or activities, including the
531 removal process, by taking actions that foreseeably would lead to Mr.
532 Ahn's death because of his disability.

533 e. GEO Group failed to provide Mr. Ahn the reasonable accommodation
534 of a room that was regularly observed and devoid of implements with
535 which one could affect a suicide attempt.

536 f. GEO Group failed to provide Mr. Ahn with appropriate mental health
537 services or accommodations, despite Mr. Ahn's long history with
538 depression and suicidal thoughts. As such, he was not given equal
539 access to the removal proceedings or programming as individuals
540 without disabilities.

541 g. Further, GEO Group failed to consider the appropriateness of less-
542 restrictive alternatives to solitary confinement for individuals like Mr.
543 Ahn with serious mental illness. They failed to consider this even
544 though there was no legitimate purpose behind isolating Mr. Ahn

545 initially (as he had a negative COVID-19 test). GEO Group's policies
546 and ICE's contract require the facility administrator and
547 interdisciplinary staff to conduct regular, periodic reviews of people in
548 solitary confinement who suffer from mental health-related
549 disabilities, and to consider them for release to general population.

550 h. GEO Group's COVID-19 and isolation policies and practices manifest
551 deliberate intentional discrimination and/or deliberate indifference to
552 the likelihood that detainees with serious mental health conditions
553 would suffer illegal discrimination at Mesa Verde.

554 i. GEO Group further failed to ensure that its staff had appropriate
555 training for responding to detained migrants, like Mr. Ahn, who
556 suffered from depression and suicidality.

557 114. ICE's and GEO Group's disability discrimination in violation of the
558 Rehabilitation Act caused Mr. Ahn's emotional distress, deterioration, and
559 death.

560 115. Plaintiff brings this claim Individually and as Successor-in-Interest as
561 defined in Section 377.11 of the California Code of Civil Procedure and
562 seeks survival damages for the violation of Decedent's rights.

563
564 **COUNT THREE: VIOLATION OF THE LAW OF NATIONS UNDER**
565 **THE ALIEN TORT STATUTE FOR TORTURE & CRUEL, INHUMANE**
566 **AND DEGRADING TREATMENT**

Plaintiff against Defendant GEO Group

567 Plaintiff against Defendant GEO Group
568

588 121. Articles 1(1) and 16(1) of the CAT define torture and require the
589 United States to prevent it and CIDT within its jurisdiction.

590 122. The United States has adopted with RUDs the International Covenant
591 on Civil and Political Rights (“ICCPR”). International Covenant on Civil
592 and Political Rights art. 7, ratified June 8, 1992, 999 U.N.T.S. 171 (entered
593 into force March 23, 1976)

594 123. Art. 7 of the ICCPR states: “No one shall be subjected to torture or
595 [CIDT] or punishment”, and Art. 4(2) establishes this as a non-
596 derogable peremptory norm.

597 124. The U.N. Special Rapporteur on Torture and Other CIDT has stated
598 that the “imposition, of solitary confinement of any duration, on persons
599 with mental disabilities is cruel, inhuman or degrading treatment. (A/66/268,
600 paras. 67-68, 78). Moreover, any restraint on people with mental disabilities
601 for even a short period of time may constitute torture and ill-treatment.”
602 Special Rapporteur on Torture and Other [CIDT], Report of the Special
603 Rapporteur on torture and other cruel, inhumane or degrading treatment or
604 punishment, ¶ 63, U.N. Doc. A/HRC/22/53 (Feb. 1, 2013) Juan Mendez.

605 125. Defendant GEO Group’s conduct described herein constitutes torture
606 and cruel, inhuman, and degrading treatment, a violation of “specific,
607 universal, and obligatory” international law norms, as evidenced by

608 numerous binding international treaties, declarations, and other international
609 law instruments. Accordingly, Defendant's conduct is actionable under the
610 ATS.

611 126. GEO Group tortured Mr. Ahn to death and subjected him to CIDT by
612 intentionally inflicting severe physical and mental pain and suffering upon
613 him for no facially legitimate purpose.

614 127. Specifically, GEO Group supervisors ordered Mr. Ahn's placement in
615 solitary confinement for medical quarantine despite a negative COVID-19
616 test and no legitimate or consistent justification for such confinement.

617 128. GEO Group did this despite being specifically aware of Mr. Ahn's
618 diagnosis of unspecified depression and his, at least, three prior suicide
619 attempts. They also placed him in solitary confinement despite having
620 recently identified his mental illness as "severe."

621 129. GEO Group personnel knew that time in solitary confinement,
622 particularly for someone in Mr. Ahn's condition, would inflict severe
623 psychological pain and put Mr. Ahn at an acute risk of suicide.

624 130. Indeed, as a matter of corporate policy, every GEO Group detention
625 officer at Mesa Verde is required to receive suicide prevention training that
626 specifically warns of the acute risks of solitary confinement for people with

627 past histories of suicidal ideation, involuntary commitment, or diagnoses like
628 the one conferred on Mr. Ahn by the GEO Group's own physicians.

629 131. Painfully aware of the specific form of acute suffering and harm
630 segregation would inflict on a detained person with depression, suicidal
631 ideation and past suicide attempts, GEO Group intentionally condemned Mr.
632 Ahn to the acute psychological, emotional, and physical pain and suffering.

633 132. GEO Group's torture and CIDT of Mr. Ahn caused his death.

634 133. Additionally, GEO Group provided Mr. Ahn the means and
635 opportunity to effectuate his suicide by refraining from observing Mr. Ahn
636 during the period when he died and by placing Mr. Ahn in a solitary
637 confinement cell with bed sheets and a tie off point—well known risk
638 factors for suicide.

639 134. GEO Group's acts and omissions were deliberate, willful, intentional,
640 wanton, malicious, oppressive, and in conscious disregard for Mr. Ahn's
641 rights under international and U.S. law and should be punished by an award
642 of punitive damages in an amount to be determined at trial.

643 135. No absolute or qualified immunity exists to shield GEO group from
644 liability.

645 136. Plaintiff brings this claim Individually and as Successor-in-Interest.

646

647 **COUNT FOUR: NEGLIGENCE OR NEGLIGENCE PER SE**

Plaintiff against Defendant GEO Group

652 138. “The elements of a negligence claim under California law are duty,
653 breach, causation, and injury.” *Stasi v. Inmediata Health Group Corp.*, 501
654 F.Supp.3d 898, 912 (S.D. Cal. 2020) (citing *Vasilenko v. Grace Family*
655 *Church*, 3 Cal. 5th 1077 (2017)).

659 140. Here, GEO Group:

660 a. Failed to identify Mr. Ahn as at-risk for suicide or self-harm during an
661 initial screening, including because Defendant failed, during that
662 screening, to effectively inquire into Mr. Ahn's relevant medical
663 history and prior suicide attempts.

664 b. Failed to identify Mr. Ahn as at-risk of suicide or self-harm at any
665 time after his initial screening, despite Mr. Ahn's repeated statements
666 expressing feelings of depression, anxiety, low energy, and possible
667 suicidal ideation, including to GEO Group staff.

668 c. Failed to provide Mr. Ahn with a timely and adequate mental health
669 evaluation or treatment.

670 d. Locked Mr. Ahn into a solitary confinement cell, despite the fact that
671 Mr. Ahn had mental illness, and isolating a person with mental illness
672 causes their condition to deteriorate and creates a substantial risk of
673 self-harm or suicide.

674 e. Failed to inspect the cell for any implements that could facilitate self-
675 harm or suicide, and so left the cell with a bed sheet and tie-off point.

676 f. Failed to appropriately observe Mr. Ahn in accordance with the
677 observation needs and requirements for someone with Mr. Ahn's
678 mental health conditions.

679 141. These acts and omissions constitute negligence and negligence per se.

680 142. The negligent acts and omissions were performed by GEO Group and
681 its agents or employees who acted within the scope of their employment for
682 GEO Group.

683 143. It was reasonably foreseeable that these acts and omissions would
684 place Mr. Ahn in emotional distress prior to his death and at substantial risk
685 of self-harm or suicide, and these acts and omissions proximately caused Mr.
686 Ahn's death.

687 144. Plaintiff brings this claim Individually and as Successor-in-Interest.

688
689 **COUNT FIVE: INTENTIONAL INFILCTION OF EMOTIONAL**
690 **DISTRESS**
691 *Plaintiff against Defendant GEO Group*

692
693 145. Plaintiff re-alleges and incorporates by reference all allegations in the
694 foregoing paragraphs.

695 146. Intentional infliction of emotional distress encompasses “(1) extreme
696 and outrageous conduct by the defendant with the intention of causing, or
697 reckless disregard of the probability of causing, emotional distress; (2) the
698 plaintiff's suffering severe or extreme emotional distress; (3) and actual and
699 proximate causation of the emotional distress by the defendant's outrageous
700 conduct.” *Pardi v. Kaiser Foundation Hospitals*, 389 F.3d 840, 852 (9th Cir.
701 2004) (quoting *Cervantez v. J.C. Penney Co.*, 24 Cal.3d 579, 593 (1979))
702 (internal quotations omitted).

703 147. GEO Group staff committed extreme and outrageous conduct against
704 Mr. Ahn when they, despite being aware of his mental health condition,
705 placed him in an isolation cell that they knew, or should have known, would
706 exacerbate his condition.

707 148. This conduct was further extreme and outrageous because it was done
708 with full knowledge of at least three past suicide attempts and because the
709 isolation cell into which GEO Group staff placed Mr. Ahn was furnished
710 with implements with which one could die by suicide.

711 149. GEO Group additionally committed extreme and outrageous conduct
712 when they failed to observe Mr. Ahn as required in the isolation cell.

713 150. Because of Mr. Ahn's mental health condition, his repeated
714 descriptions of his suicidality, and his past suicide attempts, placing Mr. Ahn
715 in an isolation cell recklessly disregarded the high probability that such
716 placement would cause Mr. Ahn extreme emotional distress.

717 151. It did just that and Mr. Ahn began to emotionally deteriorate as a
718 result of his placement in isolation. As such, GEO Group's actions were the
719 proximate cause of his emotional distress.

720 152. Despite this, at no point did GEO Group release Mr. Ahn from
721 isolation and he continued to suffer increasing levels of severe emotional
722 distress.

723 153. This distress culminated when Mr. Ahn died by suicide in GEO
724 Group's isolation cell, unobserved by any GEO Group staff.

725 154. Plaintiff brings this claim Individually and as Successor-in-Interest.

726
727
COUNT SIX: NEGLIGENT TRAINING, SUPERVISION, AND
728 **RETENTION**

729 *Plaintiff against Defendant GEO Group*

730 155. Plaintiff re-alleges and incorporates by reference all allegations in the
731
732 foregoing paragraphs.

734 156. An employer is negligent if they fail to adequately train their
735 employees as to the performance of their job duties, and as a result of such
736 negligent instruction, employees while carrying out their job duties caused
737 injury or damage to the plaintiff. *See State Farm Fire & Casualty Co. v.*
738 *Keenan*, 171 Cal.App.3d 1, 23, 216 Cal. Rptr. 318 (1985).

739 157. PBNDS 2011 require GEO Group to provide all facility staff members
740 who interact with and/or are responsible for detainees with comprehensive
741 training initially during orientation and repeated at least annually, on
742 effective methods for identifying significant self-harm, as well as suicide
743 prevention and intervention with detainees. Initial training should consist of
744 at least eight hours of instruction, and subsequent annual trainings should be
745 a minimum of two hours.

746 158. PBNDS 2011 also require GEO Group to train staff as to detainees'
747 disability rights at an initial orientation, and then to refresh staff on the
748 material annually thereafter.

749 159. GEO Group failed to adequately train its staff as required by PBNDS
750 2011.

751 160. In addition, GEO Group failed to adequately train its staff as to: 1)
752 not placing people with mental health conditions in solitary; 2) proper
753 COVID protocols including the lack of need to isolate someone who tested

754 negative for COVID; 3) the need to remove implements from a solitary cell
755 that one could easily use to commit suicide; 4) the protocols for consistent
756 observation of people with depression and past suicide attempts.

757 161. Those failures constituted negligence and negligence per se.

758 162. It was reasonably foreseeable that these acts and omissions would
759 place Mr. Ahn at substantial risk of self-harm or suicide, and these acts and
760 omissions proximately caused Mr. Ahn's death.

761 163. Plaintiff brings this claim Individually and as Successor-in-Interest.

762
763 **COUNT SEVEN: VIOLATIONS OF CAL. CIVIL CODE § 43, CAL.**
764 **CIVIL CODE § 51 (UNRUH)**
765 *Plaintiff against Defendant GEO Group*

766
767 164. Plaintiff re-alleges and incorporates by reference all allegations in the
768 foregoing paragraphs.

769 165. The Unruh Act provides that “[a]ll persons within the jurisdiction of
770 [California] are free and equal, and no matter what their sex, race, color,
771 religion, ancestry, national origin, disability, or medical condition are
772 entitled to the full and equal accommodations, advantages, facilities,
773 privileges, or services in all business establishments of every kind
774 whatsoever.” Cal. Civ. Code § 51(b).

775 166. GEO Group is a “business establishment” subject to the Unruh Act
776 because Defendant is a for-profit business whose “overall function” is to

777 “protect and enhance [its] economic value,” *O’Connor v. Vill. Green*
778 *Owners Assn.*, 33 Cal. 3d 790, 796 (1983), and whose “purpose [is] making
779 a livelihood or gain,” *Ibister*, 40 Cal. 3d 72, 95 (1985). *See also Est. of Silva*
780 *v. City of San Diego*, No. 3:18-CV-2282-L-MSB, 2020 WL 6946011, at *22
781 (S.D. Cal. Nov. 25, 2020) (quoting *O’Connor*, 33 Cal. 3d at 796) (holding
782 that private subcontractors who provided medical services inside county jails
783 were properly subject to the Unruh Act); *also Wilkins-Jones v. Cty. of*
784 *Alameda*, 859 F. Supp. 2d 1039, 1043 (N.D. Cal. 2012) (holding that a
785 private medical contractor is “qualitatively different from a correctional
786 facility itself; while the County’s operation of a jail may not be a business,
787 [the private medical contractor] is a business establishment operating for
788 profit within a correctional facility.”).

789 167. A violation of an individual’s rights under the ADA constitutes a
790 violation of the Unruh Act. Cal. Civ. Code § 51(f).

791 168. Title III of the ADA provides: “No individual shall be discriminated
792 against on the basis of disability in the full enjoyment of the goods, services,
793 facilities, privileges, advantages, or accommodations of any place of public
794 accommodation by any person who owns, leases (or leases to), or operates a
795 place of public accommodation.” 42 U.S.C. § 12182(a).

796 169. Mr. Ahn is an individual with a disability because he suffered from
797 depression, anxiety, and other mental illnesses that substantially limited his
798 ability to perform major life activities, including sleeping, communicating
799 and regular socialization.

800 170. GEO Group operates Mesa Verde, which is a public accommodation.
801 *See* 42 U.S.C.A. § 12181(7)(K) (listing “social service center
802 establishment[s]” as a kind of public accommodation); *see also Martin v.*
803 *PGA Tour, Inc.*, 204 F.3d 994, 998 (9th Cir.2000) (Selectivity about who
804 may enter or use the accommodation does not necessarily defeat its public
805 character.)

806 171. GEO Group locked Mr. Ahn in an isolation cell, exacerbating his
807 mental illness. This conduct denied Mr. Ahn access to a safe place to sleep,
808 which is a program, service, or activity in a detention facility.

809 172. The denial constitutes discrimination against Mr. Ahn on the basis of
810 his disability, because GEO Group failed to provide him with a reasonable
811 accommodation (e.g., a different housing assignment) when one was
812 necessary.

813 173. Mr. Ahn suffered harm as a result of Defendant’s acts and omissions.
814 Specifically, Mr. Ahn suffered exacerbation of his mental illness and
815 ultimately his death.

174. Plaintiff brings this claim Individually and as Successor-in-Interest.

COUNT EIGHT: VIOLATIONS OF CAL. CIVIL CODE § 52.1 (BANE ACT)

Plaintiff against Defendant GEO Group

175. Plaintiff re-alleges and incorporates by reference all allegations in the foregoing paragraphs.

176. The Bane Act creates a private right of action against any person
(whether or not acting under color of law) who interferes by threat,
intimidation, or coercion with the plaintiff's enjoyment of rights created by
the U.S. constitution, federal laws, the California constitution, or California
state laws. *Reese v. Cnty. of Sacramento*, 888 F.3d 1030, 1040 (9th Cir.
2018).

177. The Fifth Amendment guarantees civil detainees a right to adequate medical care. *See Gordon v. Cnty. of Orange*, 888 F.3d 1118, 1125 (9th Cir. 2018) (discussing the right in the context of the Fourteenth Amendment).

178. A civil detainee's Fifth Amendment rights are violated where: "(i) the defendant made an intentional decision with respect to the conditions under which the plaintiff was confined; (ii) those conditions put the plaintiff at substantial risk of suffering serious harm; (iii) the defendant did not take reasonable available measures to abate that risk, even though a reasonable official in the circumstances would have appreciated the high degree of risk

839 involved—making the consequences of the defendant's conduct obvious; and
840 (iv) by not taking such measures, the defendant caused the plaintiff's
841 injuries.” *Id.*

842 179. GEO Group interfered with Mr. Ahn’s enjoyment of his substantive
843 due process rights under the Fifth Amendment of the U.S. Constitution.

844 180. (i) Defendant made an intentional decision to put Mr. Ahn in solitary
845 confinement on May 14th, 2020, when Mr. Ahn returned from the hospital.

846 181. Placing Mr. Ahn in a solitary cell constitutes “coercion.” *See Reese*,
847 888 F.3d at 1040 (The “threat, intimidation or coercion” need not be
848 “transactionally independent from the constitutional violation alleged.”);

849 *B.B. v. County of Los Angeles*, 25 Cal. App. 5th 115, 130 (Cal. Ct. App.
850 2018), *rev’d on other grounds*, *B.B. v. County of Los Angeles*, 10 Cal. 5th 1
851 (Cal. 2020).

852 182. (ii) Because Mr. Ahn was depressive, that decision placed him at
853 substantial risk of harm.

854 183. (iii) GEO Group did not take reasonable measures to abate that risk,
855 because Defendant did not, among other things, transfer Mr. Ahn out of
856 isolation, to a mental health institution, or place him under one-to-one
857 supervision. In fact, Defendant did nothing at all.

858 184. GEO Group knew or should have known that Mr. Ahn was

859 depressive: Mr. Ahn reported symptoms of depression to a psychologist in
860 April 2020, and also told the psychologist that he had attempted suicide at
861 least three different times in custody in 2014, 2015, and 2016; GEO Group
862 employees witnessed Mr. Ahn acting abnormally, including being strangely
863 quiet and crying when his release request was denied; Mr. Ahn reported to a
864 psychologist again after being placed in solitary confinement that he had
865 feelings of depression; and on May 16, 2020, a Mesa Verde psychologist
866 said that Mr. Ahn had a high risk of suicide if deported. GEO Group also
867 knew or should have known that solitary confinement was dangerous to
868 Plaintiff, because the risks and adverse consequences of placing a person
869 with mental illness in solitary confinement is well-established. *See, e.g.*,
870 Civil Rights Education and Enforcement Center, et. al., Complaint for
871 violations of civil, constitutional, and disability rights of Anderson Avisai
872 Gutierrez (Mar. 13, 2020),
873 [https://www.splcenter.org/sites/default/files/2020-03-](https://www.splcenter.org/sites/default/files/2020-03-13_anderson_avisai_gutierrez_crcl_504_complaint_.pdf)
874 13_anderson_avisai_gutierrez_crcl_504_complaint_.pdf (describing cases of
875 detainees who died by suicide following improper placement in
876 segregation); U.S. Department of Homeland Security, Memorandum to
877 Matthew Albence from Veronica Venture regarding Adelanto Correctional
878 Facility Complaints (April 25, 2018),

879 https://www.dhs.gov/sites/default/files/publications/adelanto-expert-memo-
880 04-25-18.pdf at 5 ("Detainees with serious mental disorders should only be
881 housed in administrative segregation as a last resort, as that environment is
882 not conducive to improving mental health status"); Memorandum from Ellen
883 Gallagher, Senior Policy Advisor, DHS CRC. to Deputy Secretary
884 Mayorkas, DHS (July 23, 2014) at 3 (stating that placing individuals in ICE
885 custody who suffer from serious mental health conditions into segregated
886 settings is non-therapeutic and "imposes improper punitive conditions, and
887 subjects vulnerable detainees to physical and mental deterioration"); Justin
888 D. Strong et al., *The body in isolation: The physical health impacts of
incarceration in solitary confinement*, PLOS ONE (Oct. 9, 2020),
889 <https://doi.org/10.1371/journal.pone.0238510> (explaining that "solitary
890 confinement is associated not just with mental, but also with physical health
891 problems" and "analyz[ing] a range of physical exacerbated by both
892 restrictive conditions and policies."). In other words, the consequences of
893 Defendant's acts and omissions were obvious.

894
895 185. GEO Group also acted with "specific intent" to deprive Mr. Ahn of
896 his Fifth Amendment rights, because these acts and omissions are also
897 evidence of a "reckless disregard," if not a knowing interference, of his

898 rights. *See Reese*, 888 F.3d at 1043-45 (citing *Cornell v. City and County of*
899 *San Francisco*, 17 Cal. App. 5th 766, 801 (2017)).

900 186. As a result of GEO Group's failure to take reasonable measures and
901 move Mr. Ahn out of solitary confinement, Mr. Ahn died by suicide. Mr.
902 Ahn's depression was exacerbated by isolation and at the time that he
903 effectuated his suicide he was not visible to other detainees or GEO
904 employees who could have intervened.

905 187. Plaintiff brings this claim Individually and as Successor-in-Interest.

906
907 **COUNT NINE: NEGLIGENCE – FEDERAL TORTS CLAIMS ACT**
908 **28 U.S.C. §1334(b)**

909 ***Plaintiff against Defendants United States and ICE***

910
911 188. Plaintiff re-alleges and incorporates by reference all allegations in the
912 foregoing paragraphs.

913 189. “In order to establish negligence under California law, a plaintiff must
914 establish four required elements: (1) duty; (2) breach; (3) causation; and (4)
915 damages.” *See Ileto v. Glock Inc.*, 349 F.3d 1191, 1203 (9th Cir.2003) (citing
916 *Martinez v. Pac. Bell*, 225 Cal.App.3d 1557, 1564 (1990)). “Although one
917 person is generally under no duty to protect another from harm, an affirmative
918 duty to protect another from harm may arise where a ‘special relationship’
919 exists between the parties” *Martinez v. GEO Group, Inc.*, 2019 WL
920 3758026, at *3-4 (C.D. Cal. 2019) (quoting *Tarasoff v. Regents of Univ. of*

921 *Cal.*, 17 Cal. 3d 425, 435 (1976)). “[I]mportant factors in determining whether
922 a relationship is ‘special’ include vulnerability and dependence.” *Id.* (quoting
923 *Lawson v. Superior Court*, 180 Cal. App. 4th 1372, 1390 (2010) (internal
924 quotations omitted).

925 190. ICE owed Mr. Ahn, who was a vulnerable and dependent detainee in
926 its custody, both a duty of reasonable care and a duty to affirmatively protect
927 from harm. ICE breached its duty by declining to release Mr. Ahn from
928 detention during the COVID pandemic. ICE knew or should have known
929 that Mr. Ahn had severe medical problems and serious mental illnesses; that
930 the mental health care provided by GEO Group at Mesa Verde was
931 inadequate; that the pandemic posed particular dangers to Mr. Ahn,
932 especially while he was in custody; and that there were no compelling
933 reasons to refuse release.

934 191. ICE’s failure to release Mr. Ahn was unreasonable, and actually and
935 proximately caused Mr. Ahn to suffer extreme mental illness and distress,
936 which led him to commit suicide.

937 192. Plaintiff has exhausted the administrative process required by the
938 FTCA before filing this claim.

939 193. Plaintiff brings this claim Individually and as Successor-in-Interest.

941 **COUNT TEN: NEGLIGENT HIRING – FEDERAL TORTS CLAIMS**
942 **ACT 28 U.S.C. §1346(b)**
943 *Plaintiff against Defendants United States and ICE*

945 194. Plaintiff re-alleges and incorporates by reference all allegations in the
946 foregoing paragraphs.

947 195. An employer is subject to liability if, without exercising reasonable
948 care, they employ a contractor “(a) to do work which will involve a risk of
949 physical harm unless it is skillfully and carefully done, or [¶] (b) to perform
950 any duty which the employer owes to third persons.” And fail to use
951 reasonable care. Restatement Second of Torts § 411. Reasonable care is care
952 that “a reasonable [person] would exercise under the circumstances.” *Golden*
953 *v. Conway*, 55 Cal.App.3d 948, 957, 128 Cal.Rptr. 69 (1976). A defendant
954 has a “special relationship” to a plaintiff that is particularly vulnerable or
955 dependent on them, and owes that plaintiff an affirmative duty of care. *See,*
956 *e.g., Martinez*, 2019 WL 3758026, at *3-4 (citations omitted).

957 196. ICE is liable for negligently hiring GEO Group to operate Mesa
958 Verde. Operating a detention center carries risk of physical harm, because it
959 involves, *inter alia*: locking many people up in the same small space, against
960 their will, away from their friends, families, jobs, and communities, under
961 constant threat of deportation, and without means of providing for their own
962 basic necessities.

963 197. ICE owed Mr. Ahn a duty of reasonable care, as well as an affirmative
964 duty to protect from harm. ICE breached that duty to Mr. Ahn when it hired
965 GEO Group in 2015 through the City of McFarland. Already at that time,
966 GEO Group had “long been criticized by advocacy organizations,
967 government agencies, and the press for inadequate medical care,
968 understaffing, violence, and other issues.” Among other incidents, before
969 ICE hired GEO Group, a detainee died at the nearby GEO Group-operated
970 Adelanto Detention Facility after receiving what the Office of Detention
971 Oversight described as an “unacceptable level of medical care.” ICE acted
972 unreasonably in hiring GEO Group anyways. And GEO Group then,
973 predictably, failed to maintain safe conditions at Mesa Verde during the
974 pandemic, failed to provide Mr. Ahn with adequate mental health care, and
975 failed to prevent his suicide.

976 198. ICE’s decision to hire GEO Group was the actual and proximate cause
977 of Mr. Ahn’s severe mental and emotional distress and eventual suicide.

978 199. Plaintiff has exhausted the administrative process required by the
979 FTCA before filing this claim.

980 200. Plaintiff brings this claim Individually and as Successor-in-Interest.

981

982 **COUNT ELEVEN: NEGLIGENT SUPERVISION & RETENTION –**
983 **FEDERAL TORTS CLAIMS ACT 28 U.S.C. §1346(b)**

Plaintiff against Defendants United States and ICE

201. Plaintiff re-alleges and incorporates by reference all allegations in the foregoing paragraphs.

202. An employer “who entrusts work to an independent contractor, but who retains control of any part of the work, is subject to liability for physical harm to others for whose safety the employer owes a duty to exercise reasonable care, which is caused by his failure to exercise his control with reasonable care.” Restatement Second of Torts § 414.

203. ICE owed Mr. Ahn, who was a detainee in its custody, a duty of reasonable care and an affirmative duty to protect from harm. *See, e.g.*, *Martinez*, 2019 WL 3758026, at *3-4. ICE breached that duty by failing to exercise its control over GEO Group with sufficient care. For example:

- a. ICE had authority to set standards and enforce compliance through inspections. But ICE's inspections were perfunctory and unreliable, and did not identify the deficiencies with GEO Group's medical or mental health care, or suicide prevention protocols.
- b. ICE had authority to penalize GEO Group for failing to meet standards, to decline to renew the contract in 2019, or to terminate the contract. ICE took none of those actions, even though it knew or

1004 should have known about the unsafe conditions at Mesa Verde and
1005 other GEO Group-operated facilities.

1006 c. ICE had authority to implement COVID-19 protocols, but failed to
1007 impose adequate safety measures. ICE also had authority to decide
1008 how many people were detained at Mesa Verde. Despite the
1009 dangerous conditions that the pandemic created at Mesa Verde, and
1010 despite the strain on the facility's resources, ICE failed to reduce the
1011 density, heightening the risk of infection and straining the facility's
1012 resources.

1013 204. ICE's failure to use reasonable care in supervising GEO Group,
1014 particularly given the risks created by the pandemic, actually and
1015 proximately caused Mr. Ahn's severe mental distress and eventual suicide.

1016 205. Plaintiff has exhausted the administrative process required by the
1017 FTCA before filing this claim.

1018 206. Plaintiff brings this claim Individually and as Successor-in-Interest.

1019

1020 **COUNT TWELVE: NEGLIGENCE FOR NONDELEGABLE DUTIES –**
1021 **FEDERAL TORTS CLAIMS ACT 28 U.S.C. §1346(b)**
1022 ***Plaintiff against Defendants United States and ICE***

1023 207. Even when the United States hires and delegates certain duties to an
1024 independent contractor, it may be held directly liable for breaching

1026 nondelegable duties. *See Edison*, 822 F.3d at 519 (“[E]ven if it appears that
1027 the government delegated all of its duties to the independent contractor, we
1028 ask whether California law imposed any *nondelegable* duties on the
1029 government.”). The government retains a nondelegable duty of care to ensure
1030 a safe environment when a peculiar risk is involved. *Yanez v. U.S.*, 63 F.3d
1031 870 (9th Cir. 1995) (holding that the federal government can be liable under
1032 the FTCA for a nondelegable duty to protect against inherently dangerous
1033 conditions in an explosives plant when it was aware of such conditions);
1034 *Edison*, 822 F.3d at 518 n.4. Federal detention agencies also retain a duty as
1035 landowners and as jailers to warn of hidden dangers, a duty to protect
1036 prisoners from a known hazard if knowledge alone is inadequate for prisoners
1037 to protect themselves, and a duty to develop an adequate preventative policy.
1038 *Id.* at 520–23. “That the United States ha[s] a duty to protect [imprisoned]
1039 Plaintiffs is further bolstered by California’s recognition of a special
1040 relationship between jailers and prisoners.” *Id.* at 521.

1041 208. On information and belief, ICE was the landowner of Mesa Verde at all
1042 times relevant to this complaint.

1043 209. By detaining people at Mesa Verde, ICE acts as a jailer and also
1044 undertakes an activity that involves a peculiar risk. Detaining people, even at
1045 the best of times, is a dangerous activity because it places many people in

1046 forced proximity, in a contained environment, where they are not free to
1047 provide for their own health and safety. The danger is even more acute during
1048 a pandemic, when congregate settings expose more people to infection and
1049 place even more strain on the facility's staff, health care, and mental health
1050 resources. Mr. Ahn, as a detainee, could not have protected himself from the
1051 dangers of the COVID-19 pandemic, even if he had had knowledge of them.

1052 210. ICE thus retained nondelegable duties of care to Mr. Ahn that included
1053 the duty to protect him from the known hazard of COVID-19, and the duty to
1054 develop an adequate COVID-19 prevention policy.

1055 211. ICE breached that duty in multiple ways, including by conducting
1056 superficial and inconsistent inspections of GEO Group's operations at Mesa
1057 Verde, by maintaining high numbers of detention that required dense living
1058 conditions, and by failing to put in place adequate COVID-19 prevention
1059 policies and protocols at the facility during the time that Mr. Ahn was
1060 detained.

1061 212. ICE's failure to meet its duty of reasonable care, given this peculiar
1062 risk, actually and proximately caused Mr. Ahn to suffer extreme mental illness
1063 and distress that led him to commit suicide.

1064 213. Plaintiff has exhausted the administrative process required by the
1065 FTCA before filing this claim.

1066 214. Plaintiff brings this claim Individually and as Successor-in-Interest.

1067
1068 **COUNT THIRTEEN: FALSE IMPRISONMENT – FEDERAL TORTS**
1069 **CLAIMS ACT 28 U.S.C. §1346(b)**
1070 ***Plaintiff against Defendants United States and ICE***

1071 215. To establish false imprisonment under California law, a plaintiff must

1072 show “(1) nonconsensual, intentional confinement of a person, (2) without

1073 lawful privilege, (3) for an appreciable period of time, however brief.” *See*

1074 *Bocanegra v. Jakubowski*, 241 Cal.App.4th 848, 855, 194 Cal.Rptr.3d 327

1075 (2015) (internal quotations omitted). “A false imprisonment action may also

1076 be maintained if ‘the defendant unlawfully detains the [plaintiff] for an

1077 unreasonable period of time’ after an otherwise legal seizure or arrest.”

1078 *Rhoden v. U.S.*, 55 F.3d 428, 430 (9th Cir. 1995) (quoting *Lincoln v. Grazer*,

1079 163 Cal.App.2d 758 (1958)). The government’s lawful privilege to detain

1080 immigrants is circumscribed by the Fifth Amendment, which requires,

1081 among other things, that “the government … provide conditions of

1082 reasonable health and safety to people in its custody.” *Roman v. Wolf*, 977

1083 F.3d 935, 943 (9th Cir. 2020). The government violates this right, and

1084 therefore acts outside the scope of its lawful privilege, when: “(i) [It] made

1085 an intentional decision with respect to the conditions under which the

1086 plaintiff was confined; (ii) those conditions put the plaintiff at substantial

1087 risk of suffering serious harm; (iii) the [government] did not take reasonable

1089 available measures to abate that risk, even though a reasonable official in the
1090 circumstances would have appreciated the high degree of risk involved ...;
1091 and (iv) by not taking such measures, the [government] caused the plaintiff's
1092 injuries." *Gordon v. Cnty. of Orange*, 888 F.3d 1118, 1125 (9th Cir. 2018).

1093 216. ICE falsely imprisoned Mr. Ahn. The agency non-consensually and
1094 intentionally caused Mr. Ahn to be arrested and held at Mesa Verde, and
1095 then detained him for an appreciable period of time: i.e., three months, from
1096 February 2020 until he committed suicide in May 2020.

1097 217. ICE's imprisonment of Mr. Ahn was without lawful privilege. ICE
1098 made several intentional decisions with respect to the conditions under
1099 which Mr. Ahn was confined—including the decisions to contract GEO
1100 Group to provide medical and mental health care, and the decision to
1101 continue filling the facility with detainees during the COVID-19 pandemic.
1102 Those conditions put Mr. Ahn—who was 74 years old, suffered from
1103 multiple comorbidities and severe mental illness, and had a history of
1104 suicide attempts—at significant and obvious risk of harm. ICE did nothing
1105 to abate that risk. Among other things, ICE failed to release Mr. Ahn during
1106 the pandemic. *See Mendoza v. Garcia*, 165 F.Supp.3d 861, 876 (N.D. Cal.
1107 2016) (finding that plaintiff was able to state a claim of false imprisonment
1108 because he “contests the validity of the immigration detainer Defendants

1109 placed on him and argues they compelled him to remain in pretrial detention
1110 when he otherwise would not have had to do so.”). ICE also failed to
1111 implement or enforce adequate COVID-19 safety protocols, including a
1112 protocol for reducing the risk of infection that also did not put mentally ill
1113 detainees in danger; or decrease the density of detainees at Mesa Verde, to
1114 reduce both the risk of the virus spreading and the strain on GEO Group’s
1115 already limited resources.

1116 218. The conditions at Mesa Verde—which ICE either created or
1117 sanctioned—put Mr. Ahn in a situation where he suffered acute mental
1118 distress; was terrified of deportation and serious illness or death because of
1119 deportation; went without adequate mental health resources; and remained
1120 locked in an isolation cell that was not designed for suicide prevention and
1121 was inadequately monitored, making his mental health even worse.
1122 Predictably, those conditions led directly to his extreme emotional distress
1123 and suicide.

1124 219. Plaintiff has exhausted the administrative process required by the
1125 FTCA before filing this claim.

1126 220. Plaintiff brings this claim Individually and as Successor-in-Interest.

1127

1128 **COUNT FOURTEEN: INTENTIONAL INFILCTION OF EMOTIONAL
1129 DISTRESS – FEDERAL TORTS CLAIMS ACT 28 U.S.C. §1346(b)**

Plaintiff against Defendants United States and ICE

221. Plaintiff re-alleges and incorporates by reference all allegations in the foregoing paragraphs.

222. Under California law, intentional infliction of emotional distress includes the following: “(1) extreme and outrageous conduct by the defendant with the intention of causing, or reckless disregard of the probability of causing, emotional distress; (2) the plaintiff’s suffering severe or extreme emotional distress; (3) and actual and proximate causation of the emotional distress by the defendant’s outrageous conduct.” *Pardi*, 389 F.3d at 852 (quoting *Cervantez*, 24 Cal.3d at 593) (internal quotations omitted).

223. Here, ICE's conduct was extreme and outrageous. Mr. Ahn had multiple comorbidities that put him at risk of serious illness or death if he contracted COVID-19. He also had severe mental health issues that made him particularly susceptible to emotional distress—a fact about which ICE, which had access to all his records, was well-aware. Nonetheless, ICE continued to lock up Mr. Ahn in an unsafe facility with a high risk of contagion, under a constant threat of deadly infection or deportation. This conduct was extreme and outrageous, and, given Mr. Ahn's conditions, recklessly disregarded the risk that it would subject him to extreme emotional distress. See, e.g., *Mendia v. Garcia*, 165 F.Supp.3d 861, 879

1151 (N.D. Cal. 2016) (Immigrant detainee who alleges that ICE “agents’ threat
1152 of deportation combined with [his] imprisonment under the detainer state
1153 plausible facts to support an intentional infliction of emotional distress
1154 claim.”); *Plascencia v. United States*, No. EDCV 17-02515 JGB (SPx), 2018
1155 U.S. Dist. LEXIS 229246, at *27-32 (C.D. Cal. May 25, 2018) (finding a
1156 plausible IIED claim at the motion to dismiss stage when ICE agents
1157 threatened to deport her, finding that these statements were extreme as a
1158 matter of law).

1159 224. ICE’s conduct was the actual and proximate cause of Mr. Ahn’s
1160 emotional distress—which was so severe that no reasonable person could be
1161 expected to endure it. Indeed, Mr. Ahn could not endure his distress, and
1162 ultimately committed suicide.

1163 225. Plaintiff has exhausted the administrative process required by the
1164 FTCA before filing this claim.

1165 226. Plaintiff brings this claim Individually and as Successor-in-Interest.
1166

1167 **REQUEST FOR RELIEF**
1168
1169
1170 227. Enter judgment in favor of Plaintiff and against Defendants.
1171 228. Enter an order declaring Defendants actions to be unlawful.

1172 229. Award Plaintiff compensatory and punitive damages in an amount to
1173 be determined at trial.

1174 230. Award Plaintiff reasonable attorney's fees and costs.

1175 231. Award any other relief this Court deems just, equitable, and proper.

1176

1177 Date: March 17, 2023

Submitted by Sylvia Ahn
on behalf of the Estate of Choung Woong Ahn
By her Counsel,

/s/ Sophie Angelis

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